

AN ACT concerning agriculture.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Seed Law is amended by adding Sections 2.121-5, 2.132-5 and 2.133-5 and by changing Section 7 as follows:

(505 ILCS 110/2.121-5 new)

Sec. 2.121-5. Non-commercial seed sharing. "Non-commercial seed sharing" means seed sharing for which no monetary consideration or compensation is transferred in return for receiving seeds. "Non-commercial seed sharing" does not include seed sharing in which the person participating in the seed sharing expects or creates the expectation that seeds must be returned in exchange for receiving seeds or when the distribution of seed is given as compensation for work or services rendered.

(505 ILCS 110/2.132-5 new)

Sec. 2.132-5. Seed library. "Seed library" means a nonprofit, governmental, or cooperative organization, association, or activity for the purpose of facilitating the donation, exchange, preservation, and dissemination of seeds of open pollinated, public domain plant varieties by or among

its members or members of the public when the use, exchange, transfer, or possession of seeds acquired by or from the seed library is free of charge or consideration.

(505 ILCS 110/2.133-5 new)

Sec. 2.133-5. Seed swap event. "Seed swap event" means an organized and publicly promoted event at which non-commercial seed sharing takes place.

(505 ILCS 110/7) (from Ch. 5, par. 407)

Sec. 7. Exemptions.

(a) The provisions of Sections 4 through 4.5 and Sections 5 and 5.1 do not apply:

(1) To seed or grain not intended for sowing purposes.

(2) To seed in storage in, or being transported or consigned to a cleaning or conditioning establishment for cleaning or conditioning, provided, that the invoice or labeling accompanying any shipment of said seed bears the statement "seed for conditioning"; and provided that any labeling or other representation which may be made with respect to the uncleaned or unconditioned seed shall be subject to this Act.

(3) To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier; provided, that such carrier is not engaged in producing, processing, or marketing

agricultural, vegetable or other seeds designated by the Department of Agriculture subject to the provisions of this Act.

(b) The provisions of Sections 4, 4.4, 4.5, 6, and 10, and of paragraphs (1), (2), (3), (4), (5), (8), and (11) of Section 5, do not apply to unpatented, untreated seed that is free of noxious and exotic weed seeds and that is distributed within this State by means of interpersonal non-commercial seed sharing activities, including, but not limited to, seed libraries and seed swap events. A seed library or seed swap event organizer shall adopt labeling or record-keeping standards to identify the year, species or common name, and source of any non-commercially packaged seed received by the seed library or offered at a seed swap event, and shall make this information available to the Department upon request in the course of an investigation of an alleged violation of the provisions in this Act. Information maintained by seed libraries shall be provided to the Department to the extent permissible under the Library Records Confidentiality Act.

(Source: P.A. 85-717.)

Section 99. Effective date. This Act takes effect upon becoming law.